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ON THE

L A W S O F N A T I O N S

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LAW OF NATIONS

1841

THE LAW OF NATIONS

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(3)

AN
ESSAY
ON THE
LAWS OF NATIONS

AS A
TEST OF MANNERS.

by
Adam Smith

Le droit de la guerre dérive donc de la nécessité et du juste rigide. Si ceux qui dirigent la conscience, ou les conseils des princes, ne se tiennent pas là, tout est perdu.

MONTESQUIEU, l. 10. c. 2.

Quod si ad haec accedat, ut ea depredatio neque ad finem bello imponendum, neque ad hostium publicas vires accidendas, notabile aliquod momentum habeat, tum vero probo homine praesertim christiano, indignus censeri debet quaestus ex sola temporum infelicitate.

GROTIUS, l. 3. c. 18.

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TO THE RIGHT HONOURABLE

WILLIAM PITT,

FIRST LORD COMMISSIONER OF THE

TREASURY, CHANCELLOR OF THE

EXCHEQUER, &c. &c.

S I R,

AS this short Essay involves in it a question, as to the freedom of trade in time of war, of the highest importance not only to this kingdom, as the first maritime power, but to the world in general, to whom can I so properly address it as to you? First Minister of State yourself, and your brother at the head of the Admiralty. Distinguished

not

not only by those bold and overpowering talents that marked your first appearance in Parliament, at which I was so fortunate as to be present, that have since crushed the most formidable opposition ever appeared at home, and overawed our enemies abroad; but likewise by that liberality of sentiment and universal philanthropy, which has even extended itself to the coasts of Africa, and the lowest of our species.

Permit me, Sir, from these encouragements, and your deserved popularity, to address myself to you, and to force this question into your thoughts, at a time when generous and enlarged ideas are so ardently embraced; when our views are so universally prevalent; when the sparks of British liberty have so lately kindled a successful flame even

ven beyond the seas, and our neighbouring and rival power, though perhaps in the end to our ruin, now owes its freedom to our example.

Seize this opportunity. Take advantage of the ardour for improvement. Direct the fashionable rage for reform to a noble object. Render your administration universally illustrious, by perfecting the laws of nations; and rescue innocent traders, a class of men allowed to deserve the highest encouragement, from continuing the sole victims of ancient barbarous usage and unjustifiable persecution.

The Americans have already adopted the idea in their treaty of amity and commerce with Prussia. The Americans are natural-

ly

ly our friends; they owe their existence, their language, their sentiments, their promising constitution to us; rejoice therefore in their benevolence, be proud of their excellence, but disdain to be surpassed. And whether peace or war shall be the issue of your present negotiations, or the disturbances in Europe, generously aid their early efforts in support of humanity, and yield to their example.

If the following pages, from my inability to do justice to the cause, are not conclusive, weigh the question in your mind with that candour which has frequently drawn praises from your opponents, and the inhumanity and inexpediency of privateering, I am certain, will be evident; although obstacles, of which I am not aware, may prevent

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vent its immediate abolition, it must, while continued, be considered as a practice disgraceful to the laws of nations, and to the age in which it exists.

The AUTHOR.

LINCOLN'S INN, }
Aug. 2. 1790. }

Robt Brown

B

A N

AN
ESSAY, &c.

THE law of nations, like the municipal law, follows the progress of manners; and it is the easiest, as well as a most accurate criterion of rudeness or refinement. The one is binding upon the nation, the other upon the individual. And the former, as well as the latter, is punished when violated by the loss of reputation, or by the distresses of war.

War and commerce have varied much in their relative importance according to the state of society ; but they have at all times
been

been the great objects of national intercourse. They give rise to the law of nations; and the enlarged or contracted views with which they are conducted, shows the situation of manners; and regulates the spirit by which this code is distinguished.

Nothing so strongly marks at once the difference between the two great aeras of the world, the ancient and modern, as an attention to their principles on this subject, and gives so decided a superiority to the latter.

The ancients were little acquainted with commerce; accordingly it makes no figure in their laws. The want of the compass, with the imperfect unwieldy form of their vessels, confined their trade almost entirely to the coasts of the Mediterranean; manufactures were but partially improved; and from the uniformity of climate, the productions being nearly the same over all the states that were placed upon these coasts, their
benefits

benefits were almost equally enjoyed by each, without the assistance of national intercourse. At present we have the advantage of the compass ; our ships are convenient and elegant ; our connection with the old world is prodigiously extended ; the climates and productions of the trading powers are infinitely varied ; another continent, containing new productions, is discovered ; manufactures meet with the highest encouragement ; and commerce, by its unbounded and universal influence, is by far the most important object of the law of nations.

The attention of the ancients was chiefly turned to war. They were almost constantly engaged in it : It makes a distinguished figure in their laws. With them, like the commerce of the moderns, its great end was the acquisition of wealth *. They made

* Bona quae victus habuit omnia victoris fieri. Plato.

made war against the individual, not against the nation : Plunder was their chief object *. Hence their operations were founded upon the most barbarous and illiberal principles. Injuries were not thought necessary to justify hostilities ; it was sufficient to make a war just, that it had been formally declared †. It was their great and leading maxim that every species of right was lost by conquest ‡ ; the seizure of the enemy's property was therefore considered to be an ordinary mode of acquisition, and founded upon the right of occupancy. ' Bello capta,' says Paulus the Roman lawyer,

* Item quae ex hostibus capiuntur jure gentium statim capientium fiunt ; adeo quidem ut et liberi homines in servitutem reducantur. D. L. 41. T. 1. Goguet. de l'Art Milit. Vinnii Comment. in Just. lib. 2. tit. 1. § 17.

† Nullum bellum est justum nisi quod aut rebus repetitis geratur, aut denunciatum ante sit et indictum. Cicero de Offic. 1. 1.

‡ Grotius, l. 3.

yer, ' ejus fiunt qui primus eorum possess-
 ' sionem nactus est ;' D. L. 41. T. 2. l. 1.
 Upon the same principle was founded the
jus Postliminii, one of the most extravagant
 fictions that is to be met with in any code ;
 by which, through the intervention of a
 childish ceremony on the restoration of a
 citizen, or the recovery of a subject, their
 privileges or property were presumed never
 to have been lost. It was held to be an
 act of humanity to spare the lives of the
 enemy, in order to deprive them of their
 liberty *. Their territories always became
 the

* Nam cum ipsius victoriae conditione jure omnes
 occidissimus, clementiae tuae judicio conservati sumus.
 —Cic. pro Marcello. And, says Horace, lib. 1. ep. 16.
 Vendere cum possis captivum, occidere noli, serviet uti-
 liter. Servi ex eo appellati sunt, quod Imperatores cap-
 tivos vendere, ac per hoc servare nec occidere solent.
 D. L. 1. T. 5. l. 4. § 2. ; Florentinus, Just. L. 1. T.
 3. § 3. And the term Helot amongst the Greeks had
 the same derivation. In the same compilations of the
 Emperor Justinian, Servitus is said to be a ' constitutio
 ' juris gentium.'—D. L. 1. T. 5. l. 4. § 1. ' Immo,'
 ' observes

the property of the conquering state ; and their moveables were either occupied by the soldiers off duty, or sold by the commander for the benefit of the public, to whom he was accountable, when seized in the course of his operations, and the price lodged in the treasury *.

These barbarous practices were almost invariably adhered to amongst all the nations, even in the most refined periods of antiquity ; amongst the effeminate Asiatics, —Goguet de l'Art Militaire, Rollin's Univ. Hist. ; the hardy Gauls and Britons, —Caesar, Milo, Tacitus ; the naval Africans, and the elegant Greeks, during the whole of the Peloponnesian war, in the very zenith of their glory, —Plutarch ; and they were supported in theory by the wisest philosophers,

observes Grotius, ' plerumque captivos in bello civili
' ideo interfectos legimus, quia in servitutem redigi non
' poterant.'

* Just. L. 2. tit. 1. § 17. et Vinnii Com.

losophers, as well as by the most distinguished lawyers of the times.

‘ Thanks to Providence,’ exclaims an ingenious author, ‘ that war at present bears
 ‘ a less savage aspect : We spare individuals and make war upon the nation only :
 ‘ Barbarity and cruelty give place to magnanimity, and soldiers are converted from
 ‘ brutes into heroes.’ After sending off their arrows, darts, or javelins, the soldiers of the ancients were let loose, they broke their ranks, and proceeded to blows ; tumult and disorder raged without restraint.
 —Rollin.

The invention of gun-powder, by introducing other weapons, and a new discipline into the army, has produced, in this respect, a most complete change even in the art of war ; but the improvement of manners has effected a revolution much more interesting in the mode of conducting it. Without having as yet arrived at the same pitch of

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luxury

luxury and sensuality, our feelings are more refined, and our ideas more enlarged ; even our soldiers would be shocked at practices, which in the most refined periods of the Roman Empire were conceived to be perfectly agreeable to the dictates of humanity and justice, and the laws of nations, by the coolest and most dispassionate of their lawyers and philosophers. To do as little harm as possible, consistently with the prosecution of a war, is the maxim by which we are now regulated. Preservation is the object of our conquests, not destruction : *Occupatio bellica* is no longer a term in law. The exercise only of the different powers of government is put into other hands ; the conquered country retains its form of government, its laws, and its religion, and the inhabitants are safe in their persons, and secure in their property.

It cannot however be expected that these principles will in every instance be most rigidly adhered to : A rapacious commander,
and

and a rich booty, will sometimes produce exceptions, and afford instances of ancient barbarity even in modern times. It is from the general mode of acting in war that we are to form conclusions ; and, when deviations from such conduct are observed to meet with universal abhorrence, it shows their infrequency, and tends strongly to corroborate the general principle. Such deviations, however, are objects of national concern ; and, in order to save the honour of the state, they ought as soon as possible to be followed by a strict inquiry and a most exemplary punishment. To connive at them is to offer an insult to the law of nations : The commander is no longer guilty : It then becomes the crime of the nation, and a stain upon its character.

A more minute inquiry into the causes of this most remarkable alteration in manners, which has produced so important a change in the law of nations, than is here meant

meant to be given, would in itself be a curious subject of investigation.

The Christian religion, by its general influence, first gave a turn to manners. The knowledge it diffused, the charity and benevolence which it so strenuously enjoins, must have made a very strong and lasting impression upon the minds of its early and enthusiastic followers. The whole of the modern world, thus so warmly associated by one faith, must likewise, from so important a connection, have felt another motive to benevolence : And the extensive authority of the Pope, in the early periods of Christianity, aided the effects arising from the uniformity of religion, by strengthening the connection which subsisted betwixt the different powers under his dominion, by encouraging peace in order to maintain his power, and by settling differences in order to exalt it.

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The enthusiasm of the early Christians gave rise to the Croisades ; and the extensive and friendly intercourse which took place among the various nations engaged in the prosecution of one great design, must have formed an attachment amongst them, which would have a very considerable effect upon their future operations against each other.

Chivalry succeeded the first Croisades, and was likewise founded upon religion and benevolence. Its chief excellence consisted in requiring the strictest attention to the rules dictated by religion, gallantry, and the point of honour. Bravery, generosity, and humanity towards an enemy, were most rigorously demanded from every member of this extensive and illustrious institution. To become a Knight was the eager wish of every ambitious soldier ; and over the whole of Europe the same line of conduct was required of the candidate.

In

In later periods of society, other causes have been no less powerful.

The ancients were little acquainted with commerce. They were a race of warriors, and enriched themselves in the field. It was their chief source of national intercourse. War was almost their only employment. Notwithstanding the annihilation of the vanquished was their object, notwithstanding the contempt in which they held the manners of their enemies, they must have improved by their conquests. In spite of all their prejudices, their language, their manners, and their ideas were refined ; their knowledge was unavoidably extended, and discoveries multiplied upon them *. But the ferocity of constant hostility, the barbarity of their principles, and the rapidity with which they were enriched in the prosecution of them, counteracted and overwhelmed these beneficial

* Goguet. de l'Art Milit. v. 1. liv. 5. à la fin.

ficial consequences in their infancy. War therefore hurried on the advancement of luxury, and the corruption of the state, by the wealth it amassed ; but it rather retarded their progress in refinement, while freedom existed. Ere peace had enabled their minds to be sufficiently strengthened to withstand its effects, an immense treasure was gained ; they immediately sunk under its influence, yielded up their liberty as usual with their virtue, and despotism prevented all further improvement. Hence voluptuousness, sensuality, and tumult reigned at home, while rudeness and barbarity impressed a most infamous stain upon their operations abroad.

Commerce has now become the great object of attention. It is by this that the moderns have acquired their riches *. They
are

* Le commerce guérit des préjugés destructeurs :
Et c'est presque une règle générale, que, partout où il
y a des mœurs douces, il y a du commerce ; et que,
partout où il y a du commerce, il y a des mœurs douces.
Qu'on

are a world of merchants. It has rendered them indeed less warlike ; but it has formed an intimate and general connection betwixt the different nations of the globe : It has blended their interests, in the supporting of one universal system : And it has extended knowledge, enlarged the mind, and removed prejudice.

The discovery of the art of printing in Germany about the middle of the fifteenth century has likewise been one of the chief causes of modern refinement. What was formerly only attainable by a few is now within the reach of all. It has disseminated learning, enlightened the understandings of the multitude, and is perhaps the great cause of our present superiority.

And the introduction of standing forces, with the use of fire-arms, and artillery, by substituting

Qu'on ne s'étonne donc point si nos mœurs sont moins féroces qu'elles ne l'étoient autrefois.—Montesquieu, liv. 20. chap. 1.

substituting regular pay, mechanical movements, strict discipline, and despatch into the army, in place of the right of plunder, the aukward and ungovernable engines anciently used, and the outrageous, dilatory, and insatiable fury of the single combat, has rendered the engagements of the moderns much shorter and less destructive than those of the ancients ; has given birth to that cool and generous intrepidity, which is the chief excellence of the modern hero ; by reducing an army into the situation of one great machine, has almost entirely put an end to the disorders of the common soldiers ; and, by restraining their passions, has tended to the improvement of manners.

These seem to be the principal causes of that high degree of refinement which has produced so important a change in the law of nations. The authority of reason, and the feelings of humanity, have been gradually heightened by this accidental chain of circumstances ; and we have now in our

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military

military operations, perhaps, arrived at as high a pitch of excellence as human imperfection can reach. Thus far this code is complete, and affords one of the most striking views of modern superiority. The art of war, in this particular branch of it, and above all the spirit with which it is conducted, is truly admirable, and in the highest degree calculated to render a necessary evil as light as possible. The turbulence of ancient manners, arising from a constant state of the most barbarous hostility, is softened; domestic happiness is by this means increased, and industry is encouraged. Personal liberty, and the security of property, is no longer disturbed by frequent and dreadful intestine commotions, or invaded from without by armies, trained up in blood, without pay, and thirsting after the plunder which they hope to possess from the seizure of property, and the sale of the captives. An immense portion is thus added to the former stock of human happiness. Life, liberty, and property,

ty, are rendered more secure ; industry and ingenuity are encouraged ; and the fruits of these have been the causes of many new sources of enjoyment.

Happy would it be for mankind were the same gallant and benevolent principles to extend through every part of this law. Those blessings, which are at present only possessed in part, would then be fully enjoyed ; and war, though still a necessary evil, would be entirely directed against its proper object, the state, would, in a great measure, be deprived of its miseries, and would be attended with all those advantages which are now only partially derived from it. This still higher pitch of excellence, however, seems to be reserved for some yet more illustrious period of society ; when that branch of the law of nations, which relates to the naval department, shall be equally distinguished ; when the rights of individuals shall be considered to be sacred in every instance where the violation

lation of them is not absolutely necessary for the conducting of the war ; and when, by a still greater degree of improvement in manners, this code shall breathe in every part of it the same spirit of justice and magnanimity.

In naval operations, the seizure of private property at sea in time of war, is still authorised by the law of nations. The turbulence of that element, it would appear, is thought inconsistent with the dictates of reason, or the feelings of humanity ; and land at present, like possession of old, seems to be the only medium of property. Mercantile vessels, with their cargoes, the property of individuals not engaged in the service of government, and totally unconnected in the conduct of the war, are still the legal objects of rapine. The barbarous principles of the ancients are here followed with unremitting perseverance : War is openly carried on against the individuals of the hostile country : Its great object continues

nues to be the acquisition of wealth, and the desire of plunder : The enemy is considered to be incapable of property ; and their effects, when at sea, are held to be still unoccupied *.

The seizing the property of individuals, who have committed no crime, and are not acting in any way hurtful to the nation who seizes it, seems to be almost inconsistent with civilization. On land, such individuals as have property in that part of the country which is taken by the enemy, are allowed to retain it as formerly, with no other burdens than what the conquerors themselves are laid under as subjects of a particular government. In the arrets which the King of France published in the year 1779, during the American war, with regard to the Island of Grenada, he allowed
all

* That piratical spirit which existed in Britain with our Phenician trade, before the establishment of the Saxons, and so early as the time of Carausius, still remains unsubdued.—Camp. Nav. Hist. p. 20. 38.

all proprietors in that island, even those residing in Britain, to retain their property, and to dispose of it as they should think fit, only that, like other French subjects, their importations and exportations should be in French bottoms. The Island of Grenada surrendered at discretion ; so that it produces one of the finest instances of modern gallantry. We adopted the same conduct, with regard to this island, in a former war. And, in the war in Germany, the property of individuals residing in the conquered towns, or territories, remained perfectly secure.

To such as view this practice in the light in which it has now been considered, it may seem wonderful that the same nation should thus act even against the same enemy upon such opposite principles ; that, in every other instance, we should act against the state, not against the individual, alleviating as much as possible the miseries of war ; and that those causes, which, by their
general

general influence, have produced so happy a change in our military conduct, should not here likewise have been productive of similar effects. And, indeed, it is not to be doubted but the same effects would have been produced, did the inhumanity of plundering, in both situations, appear equally undisguised *; but unfortunately, in the naval department, the particular manner in which foreign trade is conducted, by concealing the distress of the sufferer, has supported this practice alone.

In all foreign mercantile transactions, the exporter, the person to whom the goods are sent, and the insurer, who, in consideration of an equivalent, becomes partaker of the danger, and either diminishes the profits, or shares in the sufferings, are the parties liable
to

* For so early as the time of William Rufus, when privateering was first encouraged, he allowed his nobility on the borders to carry on hostilities also on land at their own expence, and for their private advantage. —Campb. p. 111. and 113.

to the risk of the conveyance. But the care of transporting the different articles of merchandise is entrusted entirely to the shipmaster. It is the interest of the proprietors to remain at home, in order to transact other branches of their business, and to procure such commodities as they intend to export in other vessels, or on the return of the last. The merchant is not present, therefore, at the seizure of his effects : A veil is thrown over his misfortunes : His plunderers are not sensible of his calamity : His connection with his property does not appear intimate ; and the practice of insurance, which can at most only diminish his losses, tends to complete the deception. Reason is blinded by these artificial circumstances, the feelings of humanity lose their force, and it is thus that in this instance alone the violence of the passions, aided by ancient custom, remains yet unrestrained, and produces so singular an exception in refinement.

Still,

Still, however, it cannot be justified. It is altogether inconsistent with humanity, and with those gallant principles which ought to actuate the operations of a civilized age. And, as the existence of it denotes a certain degree of barbarity, the duration of it tends to the corruption of manners, by debasing the mind, and substituting an insatiable thirst for gain in the room of true patriotism, and a spirit of independence.

It is observed by a most respectable author, in an essay upon the mutual advantages of peace and war, that war rouses the mind from the lethargic sensuality of peace, and gives room for its noblest exertions, and that it thus tends to the improvement of manners by counteracting the evil effects of a long peace, by invigorating the mind, and by cherishing the exalted virtues of generosity and disinterestedness: Yet, had the existence of this practice occurred to him, it is probable he would not

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have

have failed to mention it as an exception to these general observations; for it encourages selfishness, and debases the mind. In consequence of it, avarice becomes the ruling principle of action, equally productive of oppression, and unfavourable to liberty. Commanders are liable to corruption in the pursuit of wealth, either neglecting their duty, when it is not to be obtained, or disgracing their country by the cruelties they exercise. Merchants commence warriors, and issue forth their fleets in search of plunder; whilst commanders, instead of pursuing their successes, take up their employment, and become chiefly attentive to the sale of their booty.

These vicious effects produced the spirit of privateering through the medium of reprisals; and the avarice of a commercial age has at last finished a system, which even ancient barbarity had left incomplete. 'A privateer,' says Mr Postlethwayte, in his extension of Mr Savary's dictionary of commerce,

commerce; ' is a kind of a private man of
 ' war, though the commission be not rec-
 ' koned very honourable: The use of them
 ' is not very ancient; and some persons ac-
 ' count those but one remove from pirates,
 ' who, without any respect to the cause, or
 ' having any immediate injury done them,
 ' or not being so much as hired for the ser-
 ' vice, spoil men and goods and innocent
 ' traders, making a traffic of it, amidst the
 ' calamities of a war.'

The inexpediency of these commissions
 seems no less evident than their rudeness
 and inhumanity.

Modern nations are almost universally
 losers by war. The expences laid out in
 conducting it, and the losses sustained, are
 rarely made up by the most brilliant suc-
 cesses. So long as the smallest idea of a
 balance of power exists, the advantages on
 either side cannot be great at the close of a
 war; and the losses in general are immense:

Both

Both the hostile powers are left plunged in debt ; without resources ; their trade crippled ; and their spirits sunk. War has always been looked upon as at best a necessary evil, while the blessings of peace are the great objects of our wishes, the sources of our happiness and prosperity. If war, therefore, must be entered into, it ought to be prosecuted with as many of the advantages of peace, and as few of those causes of distress that generally accompany it, as possible. This maxim has accordingly been followed in military operations, and has been brought by an ingenious author, in an essay on public happiness, to show that the vices of the moderns are much less hurtful to the happiness of mankind than those of the ancients. Were the same maxim extended to maritime affairs, it is evident that the happiness and prosperity of mankind would be still farther improved. If mercantile vessels, carrying innocent cargoes, were allowed to go undisturbed in time of war, men would enjoy all the fruits of commerce :

merce : It would enable them to increase their riches even in time of war : It would support their spirits, and enlarge their resources. In the 23d article of the treaty of amity and commerce between the United States of America and the King of Prussia, it is accordingly agreed, that, ‘ If war should
 ‘ arise between the contracting parties, all
 ‘ merchants and trading vessels, employed
 ‘ in exchanging the products of different
 ‘ places, and thereby rendering the necessities, conveniencies, and comforts of life
 ‘ more easy to be obtained, and more general, shall be allowed to pass free and
 ‘ unmolested, and neither of the contracting powers shall grant or issue any commission to any private armed-vessels, empowering them to take or destroy such trading vessels, or interrupt such commerce.’

There are numberless ways of finishing a war, and distressing the enemy as a nation, without seizing the property of individuals,

viduals. The territories of the hostile nation may be taken. Their warlike vessels may be captured. Their naval and military stores may be destroyed. Their forces by sea and land may suffer such defeats as to leave them totally unprotected: And their power in a short time may by these means be so weakened and destroyed as to force the war to a speedy issue, without so barbarous and unrefined a mode of procedure as the seizing the property of individuals.

A Bond might easily be contrived, exigible by the Officers of the Customs at the loading of the vessels, to prevent the possibility of any unfair supplies to the enemy; and, as at present, with regard to neutral vessels, all contraband goods would be liable to be captured, and an additional punishment might be imposed as an effectual security.

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Were the seizing of mercantile vessels universally abolished, it would make no alteration as to the comparative strength of the contending powers ; and it would place them on an equal footing with such as might happen to be at peace. At present the latter enrich themselves at their expence : They snatch their trade out of their hands : They supply them at a high price with those very articles, with which, if their trade were free, they might at a much cheaper rate supply themselves : Their premiums of insurance are low ; because their vessels are in no danger of being taken ; they can therefore afford to sell their commodities cheap, and carry on their trade to a much greater advantage : They increase the demand for their own produce and manufactures, by underselling them, even in their own markets ; and, like the disputants in the fable, leave them contending about the shells, while they are enjoying the fish. Thus they are not only to no purpose punishing themselves, but allowing
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the other nations of the world to enjoy, at their expence, both the trade which they afforded each other, and that which they carried on with each of the states that are at peace. The only trade which it is possible for them, according to the present practice, to retain, is a trade between themselves and their foreign settlements, where it does not run in its natural channel, but is carried on by compulsion.

Although not necessary to show the general inconvenience of this practice, it will appear yet more unjustifiable, if it shall be found hurtful even to the interests of that very power, which, by its superiority at sea, is likely to make the greatest number of captures. If otherwise, however, it would be nothing in its favour, the interests of a particular state could not be brought in competition with the interests of society in general; and the same conclusion might be advanced in favour of the most destructive and ruinous conquests, attended with
all

all the desolation and inhumanity that ancient barbarity could invent.

In every war betwixt contending powers, some degree of equality must be supposed ; If unequal themselves, the aid of some neighbouring state will be obtained. And where there is a superiority at sea, it will be found where the trade is most extensive. The prodigious number of ships and sailors necessary for an extensive commerce, and the superior dexterity acquired by greater practice in the building, equipment, and navigating of their vessels, must still add to their other advantages.

But the additional profits in these circumstances, from an undisturbed trade, would, by the abolition of this practice, be proportionably greater to those nations that enjoy the superiority ; and their navy, in the same degree, would be improved and strengthened by the acquisition of all those hands formerly engaged on board of their
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privateers,

privateers, and for the defence of their merchantmen ; so that their ascendancy would be undiminished : And it will not be denied, that the sure and solid superior advantages in a free trade are more to be desired than the uncertain and barbarous profits of unnecessary plunder. Like the prizes in a lottery, the captures fill the imagination, while the previous charges are omitted, and the losses are forgot. A few great seizures make a figure in the eyes of the world, while numberless unfortunate cruizes are never heard of: The equipment of the privateer, the wages of the men, and the loss of the freight in the course of a fair trade, are all overlooked, and the gross amount of the prize is solely attended to.

On a larger scale, the same deceptions take place, and nations seem equally short-sighted with individuals.

The expence of protecting their trade from each other ; the losses sustained by
the

the present delays in waiting for convoys ; the charges of supplying the merchantmen with guns and men in case of separation ; the hurt to trade by the conversion of traders into privateers, with their frequent want of success, and the consumption of men and money they occasion ; are all forgot, and the superlatively greater advantages arising from a safe, honourable, and lucrative trade are concealed by the uncertain, destructive, ungenerous, and imaginary gains from a few trifling captures. Men and money are exhausted, to the disgrace of the policy and humanity of states, in unprofitable attacks on innocent property, and privateers are encouraged in expensive and hazardous crimes, that would otherwise be engaged in promoting the commerce, and increasing the riches of the world.

F I N I S.